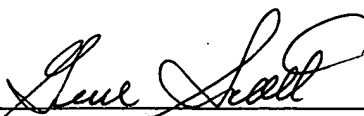


REMARKS/ARGUMENTS

1. Applicant takes notice that the drawings originally submitted in this application are not objected to.
2. Claims 10-12 are rejected under 35 USC §112, second paragraph. However, the above amendment traverses this rejection by providing antecedence.
3. Claims 1-13 are rejected under the judicially created doctrine of double patenting for the purpose of patent term extension. However, a terminal disclaimer in compliance with 37 CFR 1.321(c) and fee is attached hereto to overcome this rejection.
4. Claims 1-3, 5-7, 9-11 and 13 are rejected under 35 USC §103(a) as unpatentable over Trushkowsky in view of plain obviousness or Maitland. However, the attached supported affidavit showing a reduction to actual practice in the present invention prior to the priority date of the Trushkowsky reference overcomes this rejection so that this reference is now eliminated as prior art.
5. Claims 1-8 and 13 are rejected under 35 USC §103(a) as unpatentable over Maitland in view of plain obviousness. However, claim 1 has been amended to overcome Maitland in that Maitland does not teach a cone shaped body. Rather, Maitland teaches a semi-circular body with one side almost flat; see Fig. 4. The cone-shaped body of the instant invention is superior to the body of Maitland in that it enables a high efficiency in light transmission from the top of the body to the bottom (the utility element) as the light moves downward convergently. The body of Maitland is extremely inefficient and it is of critical importance to move as much light to the bottom of the body as possible to effect a resin cure in the shortest time duration. Clearly, as well, the other aspects of the present invention as claimed in claim 1 are distinct from Maitland, i.e., as claimed, the top surface is positioned at an angle to the plane of the mouth so that it is possible to insert the light source as shown in Fig. 4 of the parent case, US patent 6280187. Please notice that this offers a significant advantage in that the light source is maintained at a low angle relative to the apparatus (dental tool) enabling the patient to open his/her mouth less wide, that is, a more relaxed and comfortable mouth position. The hyperbolic surface of claim 13 clearly distinguishes over Maitland providing a further significant improvement in light energy transfer efficiency. Claims 5 and 7-12 are cancelled in the application.
6. New claims 14-16, dependent on claim 1, have been added into the application in accordance with the specification. No new matter has been added into the application.
7. A petition and fee for extension of time in the present response of 2 months is enclosed herewith. Therefore this amendment is timely filed as of the date of deposit shown below.
8. Affidavits and attachments showing a reduction to actual practice prior
9. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,




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Certification

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Mail Stop: Fee Amendment, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450," on 9/30/03 date of deposit.

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